

## **REMARKS**

Claims 1-3, 5, 6, 8-12, 14-16, 19, 20, 35-39, 41, 43-50, 52-62 are currently pending in the application. By this amendment, Applicants have canceled Claims 17, 22, 23, 25, 40, 42, and 51; and added new claims 60 - 62. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

## **APPLICANT INITIATED INTERVIEW SUMMARY**

Applicants thank the Examiner for the interview granted with Applicants' representative on August 4, 2009. During the interview, proposed amendments were discussed with the Examiner similar to those included in Claims 1, 11 and 43 herein regarding the structure of the claimed system. In addition, the elastomeric band was discussed with the Examiner. During the interview, Applicants' representative believes an agreement was reached that elastomeric band would make each of the claims allowable.

It was further discussed that the Examiner would contact Applicants' representative if all of the claims are not found to be in condition of allowance in light of the current amendment.

## **SPECIFICATION**

Applicants have amended the specification to described features that are clearly illustrated in Fig. 3A. These are exemplary of features recited in Claims 41 and 46. Accordingly, Applicants respectfully submit that the objection to the specification be withdrawn.

## **DRAWINGS**

Applicants respectfully submit that the drawings filed in the Application, for example, Fig. 3A – 3C illustrate one, two, or three standoff features; one, two, or three relief openings; one, two, or three members or portions that define a substantially spherical socket. As an example, the standoff feature 334 is illustrated as extending from a generally planar base 330 in the Figures. The relief opening 134 (as illustrated in Fig. 1A) is illustrated being present in at least three locations. Similarly, the members 130 are illustrated to include at least three. Accordingly, Applicants respectfully submit that the drawings illustrate all of the features in the claims and respectfully request that the rejections to the drawings be withdrawn.

## **CLAIM OBJECTIONS**

Claims 1 and 36 stand objected to because of the following informalities: typographical errors due to amendments made in Claims 1 and 36.

Applicants have non-narrowingly amended Claims 1 and 36 as suggested by the Examiner. Accordingly, Applicants respectfully request that the objections to Claims 1 and 36 be withdrawn.

## **REJECTION UNDER 35 U.S.C. § 112**

Claims 2, 6, 11, 12, 14-17, 19, 20, 38-41, 43-47, 53-56, 58 and 59 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claim 58 also stands rejected under 35 U.S.C. § 112, first paragraph, as

failing to comply with the written description requirement. These rejections are respectfully traversed.

Applicants respectfully submit that the application as filed includes support for the relief openings and standoff features as recited in the claims. For example, in the application as filed on page 3, lines 4-9, it is disclosed that "there is at least one relief opening in a portion of the spherical socket, allowing deformation of the spherical socket." Further, on page 3, lines 11-14, the application recites, "device includes a number of standoff features attached to the base unit." The standoff features and relief openings are illustrated in the drawings, including Figs. 1A and 3A, as discussed above. Accordingly, Applicants respectfully submit that support for the claimed number of standoff features and relief openings, including at least two, one, or three is disclosed in the application as filed.

Dependent Claim 58 recites a guide axis and depends from Independent Claim 1. Independent Claim 1 recites that the longitudinal guide support has a longitudinal opening including a guide axis. Applicants respectfully submit that the application as filed discloses a guide portion including a guide axis that can be positioned in a desired position or one of multiple alignment axis positions. For example, on page 7 lines 4-14, the application discloses that an insertion axis can be positioned at a desired orientation and an actuating device can fix the insertion axis at the selected orientation. Accordingly, Applicants respectfully submit that support for dependent Claim 58 is included in the application as filed, and respectfully request that the rejection thereto be withdrawn.

Applicants have canceled dependent Claim 40 and amended now Independent Claim 41 to include appropriate antecedent bases as suggested by the Examiner. Accordingly, Applicants respectfully request that the rejection to Claims 40 and 41 be withdrawn.

**REJECTION UNDER 35 U.S.C. § 102 AND 103**

Claims 1-3, 5, 6, 9, 11, 15, 16, 36, 38-40 and 58 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Mowlai-Ashtiani (U.S. Pat. No. 6,110,182) ("Mowlai-Ashtiani").

Claims 1, 3, 5, 9, 37 and 58 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Henderson et al. (U.S. Pat. Pub. No. 2003/0114752A1) ("Henderson") and Ghajar et al. (U.S. Pat. No. 4,998,938) ("Ghajar").

Claims 2, 6, 36 and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Henderson in view of Ghajar as applied to the claim 1 above, and further in view of Mowlai-Ashtiani.

Claims 12, 14 and 54 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Mowlai-Ashtiani in view of Ghajar.

Claims 17 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mowlai-Ashtiani and Magee et al. (U.S. Pat. No. 5,957,927) ("Magee").

Claims 43-45, 53 and 59 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Henderson, Mowlai-Ashtiani and Magee. These rejections are respectfully traversed.

Applicants have amended Independent Claims 1, 11, and 43 in line with the discussion during the interview with the Examiner. The spherical or substantially spherical socket of the device or system is clearly defined. Applicants have generally discussed the cited art in the previous amendment remarks. In addition, Applicants respectfully submit a member or portion, as recited in Independent Claims 1, 11 or 43, is not anticipated or fairly rendered obvious by the art cited in the rejections, as discussed with the Examiner in the above summarized interview. Mowlai-Ashtiani, Henderson et al., Ghajar et al. and Magee et al. do not anticipate or fairly render obvious a substantially spherical socket as recited in amended Independent Claims 1, 11, and 43. As discussed with the Examiner, Applicants respectfully submit that the substantially spherical socket is not anticipated or fairly rendered obvious and each of these claims should be in condition for allowance, as are each of the claims that depend directly or indirectly therefrom.

Independent Claim 17 has been canceled and the elements thereof included in amended Independent Claim 41. Amended Independent Claim 41 should be in condition for allowance, as noted in the Office Action. Dependent Claims 19, 20 and 50 have also be amended to depend from Independent Claim 41. Accordingly, these claims should also be in condition for allowance.

Independent Claim 22 and Claims 23, 25, 42, and 51, which depended from Independent Claim 22, have been canceled. Accordingly, the rejections thereto are rendered moot. Applicants have added new Claims 60 and 61 based on the allowable subject matter of dependent Claim 46 and respectfully submit that Independent Claim

60 and the claims that depend directly or indirectly therefrom are in condition for allowance.

#### **ELECTION AND WITHDRAWN CLAIMS**

Applicants note that Claims 55 and 56 have been withdrawn by the Examiner. Applicants respectfully submit, however, that Independent Claim 55 recites, "an elastomeric band coupled to the base unit and operable to retain the attaching device near the passage." Initially, Applicants submit that an elastomeric band, as recited in Claim 55, was previously elected by the Applicants. Applicants also respectfully submit that this subject matter has been indicated as allowable by the Examiner, and therefore, Independent Claim 55 should also be in condition for allowance along with dependent Claim 56. Accordingly, Applicants respectfully submit that Independent Claim 55 and 56 also be indicated as allowable in a Notice of Allowance.

Applicants have canceled Claims 22, 23, 25, 42, and 51.

#### **ALLOWABLE SUBJECT MATTER**

The Examiner has indicated that claim 41 would be allowable if the base claim is rewritten to overcome the rejection(s) under 35 U.S.C. 112, first paragraph, as set forth in the Office Action and if claim 41 is rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in the Office Action to include all of the limitations of the base claim and any intervening claims. Applicants have amended dependent Claim 41 into Independent Claim 41 and includes the subject matter of now canceled Claim 17. In addition, Applicants have amended Claim 41 to overcome the

section 112 second paragraph rejections as noted by the Examiner. Accordingly, Applicants respectfully submit that independent Claim 41, and the claims that depend directly or indirectly therefrom, are in condition for allowance.

The Examiner has indicated that claim 46 would be allowable if the base claim is rewritten to overcome the rejection(s) under 35 U.S.C. 112, first paragraph, as set forth in the Office Action and if claim 46 is rewritten to include all of the limitations of the base claim and any intervening claims. While Applicants have not amended dependent Claim 46 into Independent Claim format, Applicants have added new Independent Claim 60 that includes the elements of Claim 46 and Claim 43 indicated as allowable by the Examiner. New Claim 60 was rewritten to recite, "outer surface to an inner surface of the at least two fingers", which Applicants submit is clearer than Claim 43 and should still be considered in condition for allowance. Accordingly, Applicants respectfully submit that new Claims 60 and 61 should also be in condition for allowance.


New Claim 62 is added to recite, "a retaining force applying member that is an elastomeric band extending across the passage and is fit within a groove defined by an external perimeter of the base unit." Claim 62 depends from Claim 1, and includes the allowable subject matter of Claim 46. Accordingly, Claim 62 should also be in condition for allowance.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: August 20, 2009

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